

The Odisha Gazette



EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 690, CUTTACK, TUESDAY, APRIL 17, 2012/ CHAITRA 28, 1934

[No.11318-Legis-3/2012/HUD.]

HOUSING & URBAN DEVELOPMENT DEPARTMENT

RESOLUTION

The 16th April, 2012

Sub: Odisha Urban Street Vendors Policy

1. Introduction:

Street Vending as a profession has been in existence in India from time immemorial. The number of Street vendors has increased manifold in recent years. Some studies estimate that the Street vendors constitute approximately 2% of the population of a metropolis. Urban vending is not only a source of employment but also provides 'affordable' services to the majority of urban population. The role played by the hawkers in the economy as well as in the society needs to be given due credit. Street vendors provide valuable services to the urban population while trying to earn a livelihood and it is necessary to protect the right of this segment of population to earn their livelihood.

This policy aims to ensure that this important section of the urban population finds recognition for its contribution to society and is conceived as a major initiative for urban poverty alleviation.

2. Definition:

A street vendor is defined as a person who offers goods or services for sale to the public without having a permanent / built up structure but with a temporary static structure or mobile stall (or head load). Street vendors may be stationary (by occupying space on the pavements or other public/private areas), or may be mobile in the sense that they move from place to place carrying their wares on pushcarts or in cycles or baskets on their heads or may sell their wares in moving bus etc. In this policy, the term urban vendor is inclusive of both traders and service providers, stationary as well as mobile

vendors and incorporates all other local/region specific terms used to describe them, such as hawker pheriwalla, footpath dukandars, sidewalk traders etc.

- **Vending:** *"Sale of goods/services from a kiosk or wheeled vehicle or pushcart or basket(s), rested upon a public place; customarily parked or stationed at a place, functional all through the day or part of the day."*
- **Hawking:** *"Sale of goods or services by a person, whether bearing the goods as head-load or in a vehicle or pushcart, such person being on the move and not stationed at any customary spot in or outside the market place."*

3. Overarching Objective:

The overarching objective to be achieved through this policy is to:

Provide and promote a supportive environment for earning livelihoods to the Street vendors, as well as to ensure absence of congestion and maintenance of hygiene in public spaces and streets without hindrance to traffic, right of way (RoW)

4. Specific Objectives:

The basic objectives of the policy are:—

Legal: To give vendors legal status by amending or enacting or repealing or implementing appropriate laws and providing legitimate hawking Zones in urban development / zoning plans.

Facilities: To provide facilities for appropriate use of identified space including the creation of hawking Zones in the Urban development / Zones plans.

Regulation: To eschew imposing numerical limits on access to public spaces by discretionary license and instead moving to nominal fee-based regulation of access, where market forces like price, quality and demand will determine the number of vendors that can be sustained. Such a demand can not be unlimited.

Role in distribution: To make Street vendors a special component of the urban development / zoning plans by treating them as an integral and legitimate part to the urban distribution system.

Self Compliance: To promote self compliance amongst Street vendors.

Organization: To promote if necessary organization of Street vendors e.g Unions / Co-operatives / Associations and other forms of organization to facilitate their empowerment.

Participation: To set up participatory mechanisms with representation by urban Vendors organizations, (Unions/Co-operatives / Associations) Voluntary

organizations, local authorities, the police, Residents Welfare Association (RWAs) and others for orderly conduct of urban vending activities.

Rehabilitation of Child vendors: To make measures for promoting a better future for child vendors by making appropriate interventions for their rehabilitation and schooling.

Social Security & Financial Services: To facilitate / promote social security (pension, insurance, capacity building etc.) and access to credit for Street vendors through promotion of SHGs/Co-operatives/Federations/Micro Finance Institutions (MFIs) etc.

5. Survey:

All Urban Local Bodies should conduct a comprehensive survey to identify street vendors within their area and the natural markets developed over the years, through street vendors. The survey format is at ***Annexure.***

6. Constitution of Town Vending Committee (TVC):

Town Vending Committee (TVC) is to be constituted by the respective Urban Local Body (ULB) with the following members—

Municipal Commissioner (in case of Municipal Corporations)/ Executive Officers(in case of Municipalities & NACs) will be the Chairperson;

Ten Corporators (for Municipal Corporations)/Seven Councillors (for Municipalities)/Five Councillors for NACs to be selected by the respective Corporation/Councils as members; (1/3rd will be women members)

One nominee of City Police (to be nominated by SP of the District/ by Commissioner of police as per applicability)

Two nominees of City R & B wing (to be nominated by Chief Engineer in Municipal Corporation area/ by Executive Engineer for Municipal and NACs)

One representative of G.A. Department for Bhubaneswar Municipal Corporation & one representative of Collector of the District.

Three nominees of Street Vendors Association to be selected by the Corporation/Council(1/3rd will be women member);

Two nominees of Resident Welfare Association to be selected by the Corporation/Council;

Three representatives of professional groups(such as Lawyers, Doctors, Town planners, Architects) to be selected by the Corporation/Council(1/3rd will women member);

Representative of Lead Bank of the area;

Two Municipal Officials to be nominated by the Chairperson of the Committee, one of whom will act as the Member-convener;

The Chairman of the TVC will constitute a sub-committee from among the members of the TVC, for day to day monitoring of the city vending activity and enforcement of the Policy.

The TVC shall sit at least once in a month to oversee the implementation of the Policy and review the street vending in the city/town.

7. Functions of Town Vending Committee:

The broad functions of TVC are as indicated below—

To facilitate the demarcation of "Restriction – free Vending Zones", "Restricted Vending Zones" and "Non-Vending Zones" in cities/towns for making the plans conducive and adequate for the hawkers of the respective city/town.

Undertaking periodic surveys,

Registration and issuance of identity cards to street vendors,

Monitoring of vending activities,

Assessing and determining maximum holding capacity of each vending zone,

Resolve issues / disputes pertaining to street vending.

It should take into account the natural propensity of the Street vendors to locate in certain places at certain times in response to patterns of demand for their goods/services.

Municipal authorities should provide sufficient space, designated as 'Vendors' markets' in lay out plans at locations of such natural markets for the number of vendors (Static and mobile) which can cater to demand for their wares / services, if aspirants to such location exceed the number of spaces available, excess may be regulated by fees or lottery and not discretionary licenses. In any case market forces relating to price quality and demand will automatically curtail the number of vendors to sustainable levels.

Mobile urban vending can be permitted in areas even outside the designated vendors', markets' unless designated as 'no-vending zone' through a participatory process. The 'no-vending zones' may be notified both in terms of location and time. With the growth of city/town every new area should have adequate provisions for Street vendors.

The TVC will spell out Dos and Don'ts on Street Vending.

8. Registration System:

A system of registration of vendors/hawkers and non-discretionary regulation of their access to public space in accordance with the standards of planning and the nature of trade/service should be adopted. This system is described in greater detail below.

(a) Photo Census of Vendors:

The Municipal Authority, in consultation with the TVC should undertake a comprehensive, digitalized photo census / survey mapping of the existing vendors with the assistance of professional organizations/experts for the purpose of granting them lease to vend from specific places within the holding capacity of the vending zones concerned.

Only those who give an undertaking that they will personally run the vending stall/spot and have no other means of livelihood will be entitled for registration. A person will be entitled to receive a registration document for only one vending spot for him/her (and family). He/she will not have the right to either rent or lease out or sell that spot to another person.

(b) New entrants:

Those left out in the photo census or wish to take up street vending for the first time will also have a right to apply for registration as vendors on plain paper to the TVC provided that they will give a statement on oath that they do not have any other means of livelihood and will be personally operating from the vending spot, with help from family members.

(c) Vendors Registration Card (VRC):

Urban registration, the concerned Municipal Authority would issue a VRC with Vendor Code Number, Vendor Name, and Category of Vendor etc. in favour of the street vendor, with following information:

- Vendor Code No.;
- Name, Address and photograph of the Vendor;
- Name of any one Nominee from the family/and/or a family helper;
- Nature of Business;
- Category (Stationary / Mobile); and
- If Stationary, the Vending Location.

(d) Conditions:

- The VRC confers usufruct rights over a public place, not title over the land.

- The VRC is not transferable
- Children below 14 years of age would not be entitled to get VRC.
- VRC can be surrendered to the TVC, if a vendor decides to withdraw from street vending.
- If the Vendor so registered, violates any of the vending conditions, his/her VRC will be cancelled by the TVC.

(e) Registration Fee:

All vendors in each city/town should be registered at a nominal fee to be decided by the Municipal Authority concerned based on the photo census or any other reliable means of identification such as the use of biometric techniques.

(f) Registration Process:

- i.* The registration process must be simple and expeditious. All declarations, oath, etc. may be on the basis of self declaration.
- ii.* There should preferably be no numerical restriction or quotas for registration, or prior residential status requirements of any kind.
- iii.* Registration should be for a period of five years, renewable every five years. However, a vendor who has rented out or sold his spot to another person will not be entitled to seek re-registration.
- iv.* There may be a "on the spot" temporary registration process on renewable basis, in order to allow the street vendors to immediately start their earnings as the registration process and issue of I-card etc. may take time.
- v.* Adequate scope to be provided for reservation of space in vending zones for SCs. & STs, physically challenged / disabled persons.
- vi.* If any, false or incorrect or misleading statements/declaration have been made, apart from de-registration the TVC may devise mechanism for imposition of fines/blacklisting of such vendors, apart from taking action under the available laws.

9. Timing:

The timing restrictions on vending activities in any area shall be decided by the Municipal / Corporation councils.

10. Penalty for contraventions:

If any street vendor –

Indulges in vending without registration;

Vends beyond the designated vending zones or specified timings;
 Contravenes the terms of registration; or
 Contravenes any other terms and conditions specified for the purpose of regulating street vending under this policy.
 he shall be liable to a penalty as may be determined by the TVC.

11. Facilities:

Municipal Authorities need to provide basic civic facilities in Vending Zones/ Vendors' Markets which would include:

- (i) Provisions for solid waste disposal;
- (ii) Public toilets to maintain cleanliness;
- (iii) Design of mobile stalls / pushcarts as prescribed by TVC;
- (iv) Provision for electricity where feasible;
- (v) Provision for drinking water;
- (vi) Storage facilities including cold storage for specific goods like fish, meat and poultry; and
- (vii) Designated parking areas.

The Vendors' Markets should, to the extent possible, also provide for toilets for female and male members.

12. Collection of Revenue:

The vendors would be charged a monthly fee for access to various services. There should be direct linkage between the urban local bodies (ULBs) and hawkers for collection of—

Registration fee;
 Monthly maintenance charges / differentiated according to location / type of business; and
 Fines, as may be prescribed by TVC.

13. Monitoring Mechanism:

The Town Vending Committee / Zone Committee would be entrusted with adequate powers and resources to:

Monitor the hawking activity of a particular ward and the quality of the services provided.

Take corrective action, if required.

Recommend revaluation / charges in specified norms for hawking.

14. Relocation / Rehabilitation:

If relocation/rehabilitation of registered vendors is found necessary the Local Body may consider providing alternative space on priority basis; if such space is available.

Such facilities will not be provided to any vendor vending in a 'non-vending zone' or who has violated the vending zone conditions.

15. Eviction and Confiscation:

If authorities come to the conclusion in any given instance that genuine public obstruction of a street, side walk etc. is being caused by street vending in a licensed zone the TVC will notify a mechanism for eviction of the street vendors. The vendors should be informed/ warned by way of notice as the first step before starting the clearing up or relocation process. In the second step, if the space is not cleared within the notified time (which should be at least one hour) a fine should be imposed. If the space, is not cleared even after the notice and imposition of fine, physical eviction may be resorted to.

In the case of vending in a 'No-vending Zone', no notice is required to be given to a street vendor to clear the space occupied.

With regard to confiscation of goods (which should happen only as a last resort, rather than routinely), the street vendors shall be entitled to get their goods back within a reasonable time as may be prescribed by the TVC on payment of prescribed fee/fine, as determined by TVC for the purpose.

In case of peripatetic vendors or vendors occupying space on a time sharing basis, the vending activity will be regulated in such a manner that the vendors remove all their wares every day/on expiry of the time sharing period allotted. In case of mobile vending outlets, suitable regulations should be put in place for ensuring flow of traffic and public health and hygiene in the public interest.

16. Public Health & Hygiene:

Every street vendor shall pay due attention to public health and hygiene in the vending zone/vendors, market concerned and the adjoining area. He/she shall keep a waste collection basket in the place of vending. Further, he/she shall contribute to/promote the collective disposal of waste in the vending zone/area. Associations of/for street vendors may construct public toilet facilities which may be run by them on "pay and use" basis. To promote such associations, the State Governments/Municipal Authorities shall encourage the organization of/for street vendors, by organising financial assistance.

17. Convergence:

Access to Credit:

Street Vendors being a part of the unorganized sector have little or no access to credit from the formal sector financial institutions particularly for their economic activities without which they will have to depend on private money lenders borrowing at higher interest rates. Nationalised banks should be encouraged to extend credit to SHGs of vendors.

The TVC would disseminate information pertaining to the availability of insurance and credit and other welfare schemes of social security for the street vendors by roping in social welfare schemes being run by Women & Child Welfare Department and Food Supplies & Consumer Welfare Department.

The vendors' Associations can be assisted by NGOs and under SJSRY Scheme for organizing SHGs, networking and federating the SHG to create a financial interface between the Vendors and formal sector financial institutions to gain access to larger credit not only for income generation but also for housing whenever the need arises.

18. Training and Skill Upgradation

Street Vendors being micro enterprises should be provided with training to upgrade their technical and business skills so as to increase their income as well as to look for alternatives.

19. Dispute Resolution:

The TVC or the Sub-Committee constituted shall be primarily responsible for redressal of grievances and resolution of any dispute arising amongst the street vendors or between the street vendors and third parties including Municipal Officials and the police in the implementation of this policy.

20. Exemptions:

This policy will not be applicable to the following types of vending:

- Vending on Railway lands and trains
- Vending in natural markets (haat, bazaars), where traditional rights hold good
- Festival time vending, like Diwali fire crackers market, Holi colours etc for which systems are already in place at the ULB level
- Vending in exhibitions and fairs, where other rules are already in force.

21. Power of State Government:

Government shall have the overall authority in issuing clarifications, providing guidelines and making changes in the Policy as and when required.

22. Order:

1. This Resolution shall come into force from the date of publication in the *Odisha Gazette*.
2. Ordered that the Resolution be published in the *Odisha Gazette* and copies thereof be forwarded to all Departments of Government, all Heads of the Department and Accountant-General, Odisha, Bhubaneswar.

By Order of the Governor

SAURABH GARG

Commissioner-*cum*-Secretary to Government

SOCIO-ECONOMIC AND STREET VENDOR CENSUS-2011 – QUESTIONNAIRE – URBAN

Block-A: Identification Particulars

District:

ULB:

Type of Vendor:

State: Odisha

Ward No.

Name of the Area:

Stationary1

Peripatetic 2

Mobile 3

Block B: Street Vendor Particulars

Block C: Street Vendor Particulars

Section 1: Vending activity details			Section 2: Access to Amenities						Section 3: Legal Status of Vending Activity	
Number of Years in Vending Activity	Nature of Vending activity 1-Footpath Embankment 3-Parks 4-Bus 5-Residential 6-Others	Distance from residence to vending place 1-Nearby Residence 2-Within1 km. 3.1.5 km 4.Beyond 5km	Accessibility to drinking water 1-Yes 2-No	Source of Lighting 1-Gas/oil Lamps 2-Dependent on street light 3-Paid Electricity connection from other Source 4-Others (Specify)	Availability of Sanitation facilities 1-Yes 2-No	Facility for storage of goods 1-Yes 2-No	Provision of Solid Waste Disposal 1-Solid Waste disposal bins 2-Drainage 3-No Provision	Whether Registered 1-Yes 2-No	Name of Issuing Authority	Permit Valid up to
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)